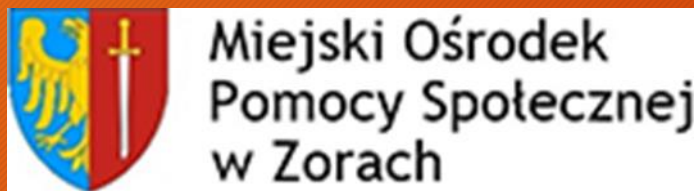


CHILD SECURING PROCEDURE



Miejski Ośrodek
Pomocy Społecznej
w Zorach

<https://www.mjakmama24.pl/prawo-i-finanse/porady-prawne/pozbawienie-praw-rodzicielskich-aa-BaC2-WDQw-vHhX.html>

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Projekt „Akademia świadomego rodzica”
nr projektu 2020-1-PL01-KA204-082283
Okres realizacji: 01.09.2020-31.08.2023

AKADEMIA ŚWIADOMEGO
RODZICA



Rodzic na zastępstwo pilnie poszukiwany!

THE CHILD'S GOOD IS THE MOST IMPORTANT



<https://www.rodzice.pl/zyczenia-na-dzien-dziecka/>



<https://polki.pl/rodzina/uroczystosci-rodzinne,gratulacje-z-okazji-narozdin-dziecka,10186041,artykul.html>



<https://kobieta.gazeta.pl/kobieta/7,156027,21894281,zyczenia-na-dzien-dziecka-dla-doroslych-i-nie-tylko-dzien.html>



<https://miastodzieci.pl/piosenki/badz-dziekiem/>

The Act on the Supporting the Family and System of the Foster Care of June 9, 2011

- **The main goal** is to provide each child with a stable, lasting and family educational environment.
- **It is the duty** of public authorities to provide the child with the opportunity to be brought up in a biological family, and when this is not able to provide him / her with care, in family or institutional forms of foster care.
- **Placing a child** in these forms of foster care is intended to temporarily replace the parents if they are unable to fulfil their care and educational functions.

TAKING THE CHILD AWAY FROM BIOLOGICAL PARENTS

- The basic criterion which court takes into account while considering cases for the child's security is the minor's best interests.
- Proceedings aimed at separating a **child from parents** is a difficult process, requiring knowledge in the field of many sciences, as well as empathy of employees and bodies executing the decision on placing a minor in foster care.

THE CHILD MAY BE TAKEN FROM THE BIOLOGICAL PARENTS ON THE BASIS OF STATUTES

1. Ustawy z dnia 09 czerwca 2011 r. o wspieraniu rodziny i systemie pieczy zastępczej (Dz. U. z 2022 r. poz. 447) - The Act on the Supporting the Family and System of the Foster Care of June 9, 2011
2. Ustawy z dnia 29 lipca 2005 r. o przeciwdziałaniu przemocy w rodzinie (Dz. U. z 2021 r. poz. 1241) - The Act of July 29, 2005 on Counteracting Family Violence

LEGAL BASIS FOR CHILD SECURING PROCEDURE

art. 35. 1. The Act on the Supporting the Family and System of the Foster Care says:

„The child is placed in foster care on the basis of a court decision.”

The child's security procedure based on a court decision to a foster family:



COURT:

- gives a decision to place a child in a foster family,
- mark a specific foster family in the decision and indicates the date of its implementation,
- sends a decision to parents and an organizer of family foster care (MOPS, PCRCP).



ORGANIZER OF FAMILY FOSTER CARE:

- sends an employee of the foster care department and environmental assistance employee to the place of residence of children and biological parents in order to inform about the court's decision and prepare them until the child is handed over,
- informs the family court about the implementation of the decision,
- informs institutions paying benefits about placing children in foster care.



PARENTS:

- are obliged to make a decision and bring children to a designated place within the prescribed period,
- time from the first visit of MOPS employees to a visit related to actual security is intended for the emotional preparation of children by biological parents and packing the most necessary things (e.g. NFZ floppy disks, vaccination cards, clothes, school textbooks, etc.),
- if they refuse to do so, the procedure of compulsory removal of a person subject to parental authority or under guardianship is implemented (Civil Procedure Code Art. 598)

PROCEDURE FOR THE FORCED COLLECTION OF A PERSON SUBJECT TO PARENTAL ROLE OR COUNTRY - ART. 598⁶ - 598¹² CIVIL PROCEDURE CODE

- The court at the request of an authorized (MOPS, PCPR) orders the probation officer to compulsorily collect the person.
- The probation officer is entitled to collect a person from any person with whom he / she is.
- At the request of the probation officer, the Police is obliged to assist him in activities related to compulsory collection.



PROCEDURE FOR THE FORCED COLLECTION OF A PERSON SUBJECT TO PARENTAL ROLE OR COUNTRY - ART. 598⁶-598¹² CIVIL PROCEDURE CODE
PROCEDURE FOR THE FORCED COLLECTION OF A PERSON SUBJECT TO PARENTAL ROLE OR COUNTRY - ART. 598⁶-598¹² CIVIL PROCEDURE CODE

- Compulsory collection of a person may take place only in the presence of an authorized person or a person or representative of an institution authorized by him. If none of these persons will not appear at the time set by the probation officer, the action won't be performed.
- While picking up a person the probation officer may request help of a social welfare body or other institution established for this purpose if the good of that person would be violated, especially if he suffered physical or moral harm.

PROCEDURE FOR COLLECTING A CHILD ON THE BASIS OF A COURT DECISION TO THE CARE AND EDUCATIONAL FACILITY:



- sends the decision on placing the child in Institutional foster care to the institution dealing with organizing foster care in the poviats (MOPS, PCPR, MOPR),



- looking for a suitable facility on the area of Poland,
- a referral to a specific institution is issued and a date for transferring the child to the institution is set,
- the family court is informed about the implementation of the decision and indicates the specific care and educational facility in which the child was placed



- are obliged to comply with the decision of a family court to place a child in a designated care and educational institution,
- if the child doesn't show up on the indicated date, the procedure is implemented for the compulsory removal of the person subject to parental authority or under care (Civil Procedure Code Art.598).

PROCEDURE FOR COLLECTING A CHILD WITHOUT COURT DECISION

LAW BASICS

Art. 58 The Act on the Supporting the Family and System of the Foster Care

- A professional foster family acting as a family emergency is taking a child at the request of parents, a child or another person in the case referred to in Art. 12a of the Act on Counteracting Domestic Violence of 29 July 2005, and then informs about it immediately, not later than within 24 hours, the competent court, starost and social welfare center.
- Professional foster family acting as an family emergency may refuse, in particularly justified cases, to accept a child:
 1. if the total number of children placed in this family exceeds 3;
 2. over 10 years old brought by the Police or the Border Guard.

PROCEDURE FOR COLLECTING A CHILD WITHOUT COURT DECISION

LAW BASICS

- **Art. 103** The Act on the Supporting the Family and System of the Foster Care
- The task of an intervention-type care and educational facility is the immediate care of a child during a crisis situation, in particular the facility is obliged to admit a child in cases requiring immediate care of the child.
- A child is admitted to an institution at the request of parents, a child or a third person, or the child is placed under Art. 12a of the Act on Counteracting Domestic Violence.
- The director of the institution, immediately, no later than within 24 hours, informs about the admission of a child the court, the poviast family support center and the social welfare center.

PROCEDURE FOR COLLECTING A CHILD WITHOUT COURT DECISION LAW BASICS

art. 12a ust. 1 ustawy z dnia 29 lipca 2005 r. o przeciwdziałaniu przemocy w rodzinie (Dz. U. z 2021 r. poz. 1241) - the Act on Counteracting Family Violence

In the case of a direct threat to the life or health of the child in connection with domestic violence, the social worker performing professional duties has the right to collect the child from the family and place it:

- at another person who doesn't live together closest to the meaning of Art. 115 § 11 of the Act of June 6, 1997 - Penal Code,
- at Foster Family,
- in care and educational facility.

CLOSEST PERSONS IN THE MEANING OF Art. 115 § 11 of the PENAL CODE - ART. 115 § 11 KODEKSU KARNEGO (Dz. U. z 2022 r. poz. 1138 ze zm.) ARE:

- spouse,
- preliminary (parents, grandparents),
- descendant (children, grandchildren),
- siblings (sister, brother),
- related in the same line or degree (father-in-law, brother-in-law),
- an adopted person and their spouse,
- cohabiting person (cohabitant).

CHILD SECURING PROCEDURE BASED ON ART. 12A:

The decision of collecting the child pursuant to Art. 12a is made by the social worker together with:

- a police officer,
- doctor or paramedic or nurse.



DIUTIES OF THE SOCIAL WORKER

- is obliged to immediately inform the court, not later than within 24 hours, about securing the child from the family and placing him/her at a relative who does not live together, in a foster family or in a care and educational facility,
- is obliged (in the first place) to provide the parents (guardians) of a child with a written instruction about the possibility of a complaint against securing the child with an indication the family court with local jurisdiction over it,
- same obligation has a police officer.

CHILD SECURING PROCEDURE BASED ON ART. 12A:

- The Police procedure performing while securing a child from the family in the case of a direct threat to the life or health of the child in connection with domestic violence is describe at
- ROZPORZĄDZENIE MINISTRA SPRAW WEWNĘTRZNYCH I ADMINISTRACJI z dnia 31 marca 2011 r. - REGULATION OF THE MINISTER OF INTERIOR AND ADMINISTRATION of 31 March 2011

FAMILY EMERGENCY IN ŻORY

- The city of Żory has two family emergency, which can take care of up to three children, unless they are siblings, up to the age of 10.

CONCLUSION:

- Securing a child from a biological family is a difficult procedure for everyone who participates in it.
- The employees of the local Center trying to make it in the least traumatic way is possible for the child so that his disconnection from his biological family would have a smallest impact on his further emotional development and life.

THANK YOU FOR YOUR ATTENTION

Natalia Napora
Wioleta Wałach